



16 MAY 2007

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In re Application of :  
Byung-soo Kim et al : DECISION ON  
US Application No.: 09/936,703 :  
PCT Application No.: PCT/KR00/00202 : PETITION UNDER  
Int. Filing Date: 13 March 2000 :  
Priority Date: 13 March 1999 : 37 CFR 1.137 (b)  
Attorney's File Reference: Q95065 :  
For: PORTABLE DATA STORAGE AND AUDIO  
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Applicant's "Petition for Revival of an International Application for Patent Designating the U.S. Abandoned Unintentionally Under 37 CFR 1.137(b)," filed in the United States Patent and Trademark Office (USPTO) on 10 May 2007 is **GRANTED**.

### **BACKGROUND**

The above-identified application became abandoned for failure to file a reply to the non-final office action mailed 9/20/04. The non-final action set a 3 month period for response, with extension of time obtainable under 37 CFR 1.136 (a). A courtesy Notice of Abandonment was mailed on May 10, 2005.

The petition includes the required reply in the form of an amendment, the statement of unintentional delay and Payment of the petition fee. No terminal disclaimer is required. The petition also includes a fee of \$750 for small entity.

### **DISCUSSION**

A petition to revive an abandoned application under 37 CFR 1.137(b) must be filed without intentional delay from the time the application became abandoned and/or applicant first became aware of the abandoned status of the application. A petition under 37 CFR 1.137(b) must be accompanied by (1) a proper reply, (2) the petition fee required by law, (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional, and (4) a terminal disclaimer and fee (if the international application was filed prior to June 8, 1995). A payment of the basic national fee constitutes a proper reply for entry into the national stage. A proper reply requires payment of the basic national fee and submission of a copy of the international application, if such a copy has not already been communicated by the International Bureau.

The submission of the national fee and the copy of the international application satisfies 37 CFR 1.137(b)(1). The payment of the petition fee satisfies the requirement under 37 CFR 1.137(b)(2). Applicant's statement in the petition that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" satisfies the requirements of 37 CFR 1.137(b)(3). A terminal disclaimer is not required because the application was filed on or after 08 June 1995, which satisfies the requirements of 37 CFR 1.137(b)(4). Therefore, the requirements for a grantable petition under 37 CFR 1.137(b) have been satisfied.

### **CONCLUSION**

The petition to revive the application abandoned under 37 CFR 1.137(b) is **GRANTED** and the holding of abandonment is **WITHDRAWN**.

The application is being forwarded to Technology Center 2626 for the examiner's consideration of the reply submitted on petition filed May 10, 2007.



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